

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

VOXER, INC. and VOXER IP LLC, §
Plaintiffs, § Civil Action No. 1:20-cv-00655-LY
v. § Jury Trial Demanded
META PLATFORMS, INC., f/k/a
FACEBOOK, INC. and INSTAGRAM LLC,
Defendants §

**JOINT STATUS REPORT REGARDING
NARROWING OF PRETRIAL ISSUES**

Pursuant to the Court's direction at the July 28, 2022 pretrial conference and the Court's July 29, 2022 Order [Dkt. 274], Plaintiffs Voxer, Inc. and Voxer IP LLC (collectively "Voxer") and Defendants Meta Platforms, Inc., f/k/a Facebook, Inc. and Instagram LLC (collectively "Meta") hereby submit this Joint Status Report Regarding Narrowing of Pretrial Issues.

Final Election of Claims for Trial

Voxer will assert the following six claims at trial:

- Claims 34, 47, 48, and 51 of U.S. Patent No. 10,142,270
- Claims 1 and 9 of U.S. Patent No. 10,511,557

Pre-Trial Motions

The following pre-trial motions are **withdrawn**:¹

- Voxer's Motions in Limine 1 and 2 [Dkt. 258]
- Meta's Motions in Limine 2, 4 and 5 [Dkt. 256]
- Meta's Revised Motion for Summary Judgment No. 3 (Non-Infringement of U.S. Patent No. 8,180,030 [Dkt. 193]
- Meta's Revised Motion for Summary Judgment No. 2 (No Willful Infringement and No Indirect Infringement) [Dkt. 191]

The following pre-trial motions **remain pending**:

- Meta's Motions in Limine 1 and 3 [Dkt. 256]
- Meta's Revised Motion to Exclude the Expert Reports and Testimony of Alan Ratliff [Dkt. 185]

¹ Voxer and Meta have withdrawn certain pre-trial motions in accordance with the Court's direction to reduce the number of disputed pre-trial issues. In doing so, they do not withdraw or waive any objections or rights with respect to the subject matter of those motions; rather, all such objections and rights are expressly preserved.

- Meta's Revised Motions to Exclude and Strike Testimony of Dr. Michael Mitzenmacher [Dkt. 189]

Jury Instructions

The parties have met-and-conferred and resolved a number of disputes regarding jury instructions, and they are working to resolve the remaining disputes. The parties are continuing to meet and confer and will submit an agreed set of Preliminary Jury Instructions that may be included in the jurors' notebooks in the next few weeks. With the Court's approval, disputed instructions, if any, will be reserved for decision by the Court during trial.

Juror Questionnaire, Voir Dire Questions, and Verdict Form

The parties have agreed on a Joint Proposed Written Juror Questionnaire, Joint Proposed Voir Dire, and Joint Proposed Verdict Form. They are attached as Exhibits 1, 2, and 3, respectively.

Statements of the Case for Use in Voir Dire

Attached hereto as Exhibit 4 is a revised statement by Voxer for use in voir dire, reflecting that two patents will be asserted at trial, not four. With this correction, the parties agree that the Court may read each party's statement (i.e., Exhibit 4 hereto for Voxer, and Dkt. 260-4 for Meta) in conducting voir dire.

August 12, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 12, 2022, I emailed this document to all counsel of record, all of whom have consented to electronic service in this action.

/s/ G. Blake Thompson
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